CONSTITUTIONAL LAW—COMMERCE—STATE REGULATION OF INTERSTATE TELEGRAMS.—A Virginia statute provided a penalty for the failure of a telegraph company doing business in the state to receive and transmit messages as promptly as possible, or for any unnecessary delay. The plaintiff sent a dispatch to Brockton, New York. Through an error at the transmitting office it was sent to Brooklyn, New York, and not delivered to the one to whom it was addressed. Suit by the sender to recover the statutory penalty in the state court was successful. On writ of error to the United States Supreme Court, *Held*, that the statute was not a regulation of interstate commerce. *Western Union Telegraph Co.* v. *Croos* (1911), 31 Sup. Ct. 399.

Intercourse between states by telegraph is interstate commerce. *Telegraph Co.* v. *Texas*, 105 U. S. 460. This principle appears well settled. Pensacola *Tel. Co.* v. *W. U. Tel. Co.*, 96 U. S. 1. The question in the principal case, however, was whether the statute involved was a regulation of interstate commerce or was a valid exercise of the power of the state. A somewhat similar statute in Indiana was held to be void as a regulation of interstate commerce, and is discussed and distinguished from the principal case. *Western Union Tel. Co.* v. *Pendleton*, 122 U. S. 347. There is this difference to be noted between the two statutes, however; the Indiana statute required delivery by messenger in certain cases. This was its objectionable feature. The Virginia statute does not attempt to regulate or affect anything but the initial receipt and transmission of the dispatch which occurs within the state. The case well illustrates the extent to which a state may go in making regulations of what is practically interstate business. Generally speaking interstate lines should be free from all state regulation except such as are of a public character. *Western Union Telegraph Co.* v. *Ala. St. Bd.* 132 U. S. 472. *Leloup* v. *Mobile*, 127 U. S. 640. States may make regulations affecting telegraph companies when they relate to matters of local concern and do not materially hamper interstate business. *Western Union Telegraph Co.* v. *Miss. R. Comm.*, 74 Miss. 80. The Virginia statute applies only to receiving messages within the state for transmission and transmitting them. As such it seems to keep within the test in *Western Union Telegraph Co.* v. *James*, 162 U. S. 650, viz., Can the statute be fully carried out and obeyed without affecting the conduct of the company with regard to the performance of its duty in other states? As pointed out by the court in the principal case the regulation is one in aid of the duty that would exist at common law in the absence of statute. It imposes a penalty to enforce its general duty. Such statutes are not regulations of commerce. *Chicago, M., etc., Ry. Co.* v. *Solan*, 169 U. S. 133; *Penn. Ry. Co.* v. *Hughes*, 191 U. S. 477.

CONSTITUTIONAL LAW—COMMUNITY PROPERTY—ALIENATION WITHOUT CONSENT OF WIFE.—Adolpho Lea, being married and having acquired property before the law of New Mexico was changed, in 1901, so as to require a joinder of both husband and wife in a conveyance of community property, conveyed this property in 1902 to the appellee, his wife not joining in the conveyance. Lea having died, an action is brought to quiet title against the widow, for whom her heirs were substituted upon her decease. *Held*, (MCKENNA, J.,

dissenting), the act of 1901 applies to property acquired before that act as well as to that acquired after and therefore the appellee acquired no title. *Theresa Arnett et al.* v. *D. M. Reade* (1911), 31 Sup. Ct. 425.

The Territorial Court of New Mexico from which this case is appealed held that the husband had vested rights which would be taken away if the statute were allowed to apply to land previously acquired. A similar rule was announced in *Spreckels* v. *Spreckels,* 116 Cal. 339, 48 Pac. 228, 36 L. R. A. 497, 58 Am. St. Rep. 170, and under a somewhat similar statute though not concerning community property, in *Castlebury* v. *Maynard,* 95 N. C. 281. In *Peck* v. *Walton,* 26 Vt. 82, the court in considering a statute of the same general nature, also not regarding community property, reached the conclusion announced in the principal case. For a discussion of the constitutionality of an inheritance tax upon community property see 9 MICH. L. REV. 519.

CORPORATIONS—CRIMINAL RESPONSIBILITY—IMPUTATION OF INTENT AND KNOWLEDGE.—An employment officer of defendant, a railroad construction company, contracted with one Carney to furnish laborers for the company's camps. Carney and his associates and subordinates, in carrying out this contract, directly procured the importation and migration of contract alien laborers from Mexico into the United States. This was a misdemeanor under an act of Congress which further provided that "the persons, partnership, company or corporation * * * knowingly assisting, encouraging, or soliciting" such importation or migration, shall pay $1000 for each offense. 34 Stat. at L. 898; Fed. Stat. Ann. Supp. 1907, p. 96 (U. S. Comp. St. Supp. 1909, p. 447). The United States sued to recover $45,000 penalty under the act. Defendant denied all "knowledge, assent, or ratification" of the acts of Carney and his associates. *Held,* that "knowledge is the principal and indispensable ingredient in the offence;" that a corporation is capable of forming a guilty intent and * * * of having the knowledge necessary, provided the officers * * * capable of voicing the will of the corporation have such knowledge or intent; and that the question was properly submitted to the jury, under instructions, by the trial court. *Grant Bros. Const. Co.* v. *United States* (1911), — Ariz. —, 114 Pac. 955.

Notwithstanding the well known pronouncement, attributed to Lord HOLT, that "a corporation is not indictable" (Anon., 12 Mod. 559), and the decisions and *dicta* in support of that view to be found in ancient, and even in modern, books, it has long been settled that an indictment will lie against a corporation aggregate (*State* v. *Morris, etc., R. Co.,* 23 N. J. L. 360), for nonfeasance or for misfeasance (*Commonwealth* v. *Pulaski County, etc., Ass'n.,* 92 Ky. 197, 13 Ky. L. Rep. 468, 17 S. W. 442), and that no principle of law furnishes immunity to a corporation or "exemption from the consequences of unlawful and wrongful acts committed by their agents in pursuance of authority derived from them." *Commonwealth* v. *New Bedford Bridge,* 2 Gray 339. The rule is subject to some limitations as regards certain classes of crimes (*Commonwealth* v. *Bridge,* supra), and upon the question of specific intent (*People* v. *Rochester R., etc., Co.,* 195 N. Y. 102, 88 N. E. 22), but the case in question seems clearly within the rule respecting crimes in which